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Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone +251115- 517700 Fax : +251115- 517844

Website : [www.africa-union.org](http://www.africa-union.org)

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## **ASSEMBLY OF THE AFRICAN UNION**

### **7<sup>th</sup> Ordinary Session of the Assembly**

**1 – 2 July 2006**

**Banjul, THE GAMBIA**

**Assembly/AU/3(VII)**

## **REPORT ON THE IMPLEMENTATION OF DECISIONS ON PREVIOUS ITEMS PROPOSED BY MEMBER STATES TO THE ASSEMBLY**

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ITEMS PROPOSED BY MEMBER STATES TO THE ASSEMBLY**

## **I. INTRODUCTION**

During the period of under review, the Commission has taken action on all items proposed by Member States for consideration at the Sixth Ordinary Session of the Assembly of the African Union in Khartoum, Sudan, in January 2006. In a few cases, the Commission could not fully implement the mandate as desired because of financial constraints.

In other cases, the mandate to implement was given to higher organs but the Commission has submitted appropriate recommendations for consideration to those organs. The Commission has also offered suggestions on what should be done for further consideration of the Executive Council and the Assembly during this Summit. A detailed consideration of each item is provided below.

## **II. REVIEW OF ITEMS AND ACTIONS TAKEN**

**Item 1:       Revision of symbols taken over from the OAU and creation of new symbols which distinguish the Union from the OAU: Flag of the Union – Doc. EX.CL/243 Add 1: Item proposed by the Great Socialist People's Libyan Arab Jamahiriya.**

**Assembly/AU/Dec.107 (VI)** decided to submit this and item 2 and 4 to the Committee of Seven Heads of State and Government in conformity with Decision Assembly/AU/Dec.90 (V) for consideration and to make proposals to the 7<sup>th</sup> Ordinary Session.

### **Implementation**

In considering how to deal with this issue, the Commission wishes: to bring to the attention of the Committee the following:

There are:

- a) The issue had earlier been considered by the Assembly and a decision was taken to retain the symbols inherited from the Organization of African Unity (OAU) with only the anthem slightly modified. However, there are some Member States which think that the AU, as a new organization, requires new symbols marking its improvement or departure from the past. Some of these consider that the AU flag is complicated and should be made simpler to assist the process of popularizing the organization.

- b) In reviewing the flag of the organization, it will be necessary to give the Commission a mandate to organize a competition for the selection of new symbols. In this respect it is recalled that during the discussion in Khartoum there were two proposals for blue or green flags. The competition could take into account these proposals. It is also suggested that the flag should include stars.
- c) After this exercise, it will be better to maintain the symbols for a long time and not to change them again and again. Symbols are rallying points and a certain degree of permanence and continuity is required for symbols to serve their purpose.

**Item 2: Holding of Bilateral Summits between Africa and Certain States and Establishment of a Mechanism to participate in the Summits – Doc EX/CL/243(VIII) Add.2:** Item proposed by the Great Socialist People's Libyan Arab Jamahiriya.

**Assembly/AU/Dec.107 (VI)** decided as before to refer to the Committee of Seven consideration and proposal to the Assembly in July 2006.

### **Implementation**

The Commission proposes the following format for participation at such meetings:

1. **Continent to Continent Summit** such as Africa-South America, Asia-Africa, Europe-Africa, etc. Participants should comprise Presidents of all Member States of the two regions involved and the Chairperson of the African Union and Chairperson of the Commission.
2. **Country-Continent Summits** such as China-Africa, India-Africa, Brazil-Africa. Participants should comprise the President of the country in question, the Chairperson of the African Union, the Chairperson of the AU Commission and the Presidents or Chair of all Regional Economic Communities (RECs). African States with particular interests in the issues under consideration can participate as observers.
3. **Commonwealth and Francophone summits.** Participants should comprise only states that are official members of the Organizations and the Chairperson of the Union and the Chairperson of the AU Commission.
4. **France-Africa Summits.** Participants should comprise states with historical relations with France and the Chairpersons of the African Union and the AU Commission. Others states with particular interests in the proceedings should attend as observers.

5. **Regional Organizations such as ASEAN with the African continent.** Participants should comprise the Chairperson of African Union, the Chairperson of the AU Commission, the Presidents or Chair of the Regional Economic Communities (RECs)
6. **Afro-Arab and Caribbean Summits.** The Summit should be conceived as one of brotherhood and close partnership. The framework should be the same as for continent-to-continent Summits and participants should include the Heads of States of both sides and the Chairpersons of the Union and the AU Commission. The Caribbean community should be given the latitude to decide the countries they wish to include in this Summit.

**Item 3: Non-Submission of decision taken by African Union Summits to the usual ratification mechanisms with Member States of the Union – Doc.EX/CL/Dec.243 (VIII) Add.3;** Item proposed by the Great Socialist People's Libyan Arab Jamahiriya

**Assembly/AU/Dec.108 (VI)** called upon Member States to sign, ratify the Treaties, Charters, Conventions and Protocols adopted by the Assembly and Requests National Parliaments to hold, if necessary, extra-ordinary sessions for their ratification.

### **Implementation**

The Commission proposes that in addition to this, Extra-Ordinary session of the Assembly of the African Union could be organized on adoption of Treaties, Charters, Conventions and Protocols. Consideration could also be given to assigning a role to the Pan-African parliament in encouraging Member States to ratify treaties, Charters, conventions and protocols adopted by the Assembly or the organs of the Union.

**Item 4: Non-Assimilation of North Africa to the Middle-East with regard to the domination, content and concept – Doc EX/CL/243 (VIII) Add: 4;** Item proposed by the Great Socialist People's Libyan Arab Jamahiriya.

**Assembly/AU/Dec.107 (VI)** emphasized that the African Continent is a single human, geographical, political and cultural entity that can neither be partitioned, divided, annexed, nor integrated into any other region or part thereof, space or continent other than its own. In addition, it **decided** to submit the proposal along with others mentioned above to the Committee of Seven Heads of State and Government in conformity with Decision; Assembly/AU/Dec.90 for consideration and make proposals to the 7<sup>th</sup> Ordinary Session of the Assembly scheduled in July 2006.

### **Implementation**

In order to assist the Committee of Seven in its work, the Commission has offered the following suggestions:

That the strategic plan, vision and mission of the Commission of the African Union adopted by the Assembly of the Union at its Ordinary Session held in Addis Ababa, Ethiopia, in July 2004 underscores the notion of a united and integrated Africa. The vision notes stress that Africa is one referring to “the whole of Africa, North to South, from East to West, without distinction as to race, colour and religion”. It “discards the nomenclature “Black Africa” and “White Africa” and stresses the need to avoid the classification of North Africa under the Middle-East and to do away with cooperation agreements that embody the division of the continent. Furthermore, the acknowledgement of ‘Francophone Africa’, and the ‘Anglophone Africa’, ‘the Lusophone Africa’ spaces should not be to the detriment of the continent and the integration efforts in the continent.” The distinction between North Africa and Sub-Saharan Africa should also be discarded.

The Commission further proposes that the Committee of Seven may consider proposing a revision or amendment to the Constitutive Act within the framework of its mandate to clearly incorporate this vision

**Item 5: Creation of a Pan-African Stock Exchange with seat in Egypt or South Africa – Doc EX.CL/243 (VIII) Add.5;** Item proposed by the Great Arab Socialist People’s Libyan Arab Jamahiriya.

**Assembly/AU/Dec.109 (VI)** directs the Chairperson of the Commission to take necessary measures to convene a meeting of Experts to consider the proposal and to report thereon, with specific proposals, to the 7<sup>th</sup> Ordinary Session of the Assembly in July 2006.

### **Implementation**

The Commission has prepared the Terms of Reference for a study that would guide the deliberations of the Experts meeting in this regard, including detailed budgets. However, the budget costs were not available because they had not been included in the African Union Commission budget for 2006 that was approved in Khartoum before the decision on this item was taken. The terms of reference are attached. The Commission proposes that the feasibility study be carried out to be followed by consultation with Experts from the Member States so that it will submit the outcome for consideration at the next Ordinary Session of the Assembly in January 2007. The Commission requests Council and Summit to approve the necessary funds for the exercise.

**Item 6: The Establishment of a fund within the African Union to alleviate the effects of the increase in oil price on the poor African Countries Doc.EX.CL/243 (VIII) Add.6;** Item proposed by the Great Socialist People’s Libyan Arab Jamahiriya

**Assembly/AU/Dec.109** directs the Chairperson of the Commission to take necessary measures to convene a meeting of Experts to consider the proposal and to report

thereon, with specific proposals, to the 7<sup>th</sup> Ordinary Session of the Assembly in July 2006.

### **Implementation**

The Commission has prepared the Terms of Reference for a study that would guide the deliberations of the Expert meeting in this regard, including detailed budgets. However, the budget costs were not available because they had not been included in the African Union Commission budget for 2006 that was approved in Khartoum before the decision on this item was taken. The terms of reference are attached. The Commission proposes that the feasibility study be carried out to be followed by consultation with Experts from the Member States so that it will submit the outcome for consideration at the next Ordinary Session of the Assembly in January 2007. The Commission requests Council and Summit to approve the necessary funds for the exercise.

**Item 7: The Status of the UN Regional Center for peace and disarmament in Africa Doc. Ex. CL 243 (VIII) Add.7:** item proposed by Togo

**Decision EX/CL/263 (VIII)** requested the Commission to examine the proposal by Togo and make recommendations on the sustenance of the Center.

### **Implementation**

The Commission has initiated a consultative process involving both the UN Secretariat, the Government of Togo and all Member States in order to implement this mandate. Discussions are ongoing with Togolese authorities and the UN to ensure adequate resources to support the Center's activities. The Commission has also sent a Note Verbale to all Member States urging them to provide the Center with adequate resources. The purpose of the consultative process is to review the situation of the Center and develop a plan to revive its fortunes and re-orient it better to serve the needs of the continent. In the meanwhile, the Commission intends to seek for funds that will allow the Center to continue to perform.

**Item 8: Marking of the Emancipation Day in Africa. EX.CL/ 243 (VIII) Add.8** (Item proposed by the Republic of Nigeria).

**EX.CL/Dec.277 (VIII)** decided to mark the 1<sup>st</sup> August of every year as Emancipation Day in solidarity with the African Diaspora.

### **Implementation**

The Commission recognizes the need to share the decision with our brothers in the Caribbean and has begun consultations with them on procedures and modalities for the implementation of this mandate. The Commission has also made plans to start the celebration this year and would be represented at the Emancipation Day celebrations in Trinidad and Tobago in August this year.

**Item 9: the HISSSEN HABRE case and the African Union (Doc. Assembly/AU/8 9(vi) Add.9.** (Item proposed by the Republic of Senegal.

**Assembly/AU Dec.103 (VI)** decided to set up a Committee of Eminent African Jurists to be appointed by the Chairperson of the African Union in consultation with the Chairperson of the AU Commission; mandated the Committee to consider all aspects and implications of the Hissène Habré case as well as the options available for his trial; further mandated the Committee to make concrete recommendations on ways and means of dealing with issues of a similar nature in the future(The Committee shall be assisted in its work by the AU Commission (Office of the Legal Counsel).

### **Implementation**

The Commission has fulfilled its obligations in this regard. The Meeting of the Committee of Jurists was held from 22-24 may 2006 and the Report is now to be presented to this Assembly for its consideration and decision. (Report to be presented by the Legal Counsel).

**Item 10: The Establishment of an Educational, Scientific and Cultural Organization (AFESCO). Doc.EX.CL/243(VIII) Add.10** (Item proposed by the Republic of Sudan).

**Assembly/AU/Dec.110 (VI)** requested the Commission to consider the issue further in cooperation with a Group of Experts to be set up for this purpose.

### **Implementation**

The Commission contacted the Government of Sudan for consultation on this matter without response. However, it has also been in touch with UNESCO to provide a consultant to work on this matter. The Commission will persist in its efforts and will provide a report to the next session of the Assembly in January 2007.

**Item 11: The International Year of African Football. Doc. Assembly /AU/8(VI) Add.11** (Item Proposed by the Federal Democratic Republic of Ethiopia).

**Assembly/AU/Dec.93 (VI)** declared 2007 the International Year of African Football and requested the Chairperson of the African Union Commission to cooperate with CAF in its efforts to achieve this objective and submit a report on the celebration in 2008.

### **Implementation**

The Commission is taking appropriate action in this regard. Action will be taken to launch the International Year of African Football at the next Ordinary Session of the Assembly in January 2007. The celebrations will begin in January 2007 and continue in the period leading up to and beyond the next Summit. The Commission welcomes proposals from all Member States to enrich this process. A report on the celebration will be submitted to the Summit of the African Union in January 2008.

**Item 12: Report on the 23<sup>rd</sup> France-Africa Summit of Heads of State and Government** (Item Proposed by the Republic of Mali).

**EX.CL/Dec. 273 (VII)** welcomed the relevant recommendation arising from the 23<sup>rd</sup> Conference of the Heads of State and Government of African and France and invited the Commission to examine further the proposed establishment of an “Euro-African Investment Fund” within the context of the Africa-Europe Dialogue; place immigration on the agenda of the Africa-Europe Dialogue, particularly of the Troika and the forthcoming Africa-Europe Summit; sensitize the partners on the need for greater mobilization of financial resources to backstop national and regional efforts to combat HIV/AIDS, malaria, tuberculosis and other related diseases.

**Implementation**

The Commission has addressed these requirements within the framework of ongoing programme commitments. Preparations for the next Africa-Europe Summit are underway to ensure that it would consider issues related to immigration and the establishment of a Euro-African investment Fund. The AU also held a Summit on HIV/AIDS, malaria, tuberculosis and other related diseases in Abuja, Nigeria, from 2-4 May 2006. The Summit considered and proposed modalities for greater mobilization of financial resources to backstop and national and regional efforts to combat the diseases. The outcome document will be presented to this Summit for consideration and adoption. The Commission has also made concrete efforts to promote partnership and harness the contribution of African Youths in the building of the African Union. The effort has produced results and framework documents such as the Youth Charter that will be presented to this Summit.

**Item 13: Migration and Development** (Item Proposed by the People’s Democratic Republic of Algeria).

**EX.CL/Dec.264 (VIII)** Encourages Member States to finalize and implement the African Consultation and Cooperation Framework for an integrated migration policy, in order to address the problems posed by this phenomenon and to find lasting solutions thereto; reiterated the importance and the imperative need to engage as quickly as possible a global and inclusive political dialogue with European countries in order to find appropriate solutions, within the context of a development partnership; requested the African Troika and the Commission to place this item on the agenda of its meeting with the European Union Troika slated for mid-February 2006; also requested the Commission to initiate the necessary contacts with the European Union Commission for the convening of an Africa-Europe Conference at Ministerial level, on this matter in 2006. The venue and date of this Conference shall be determined in consultation with Member States;

**Implementation**

The Commission convened the Experts meeting in Algeria from 3-5 April 2006. The meeting adopted a draft Common position that will be submitted to Council and



Assembly for consideration during this Summit of July 2006 in Banjul. The Commission also held consultations with European Union officials on 8 May 2006 on this matter and the meeting agreed that the Africa-Europe Ministerial Conference would be held in October 2006 in Libya.

**Item 14: Ratification of the Treaty of Pelindaba (Treaty Establishing Africa as a Nuclear Weapon Free Zone) - Doc. EX.CL/243 (VIII) Add.15** (Item Proposed by the Federal Republic of Nigeria).

**EX.CL/Dec.276 (VIII)** recalled that the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) which established Africa as a nuclear weapon free zone was opened for signature on 12 April 1996, in the city of Cairo, Egypt; noted with concern that the Treaty of Pelindaba has not entered into force because enough Member States have not ratified it; called upon Member States that have not yet ratified it, to do so for the Treaty to enter into force during this tenth year of its opening for signature; requested the Commission to follow up on the matter with Member States.

### **Implementation**

The Commission has followed up on this issue as required with important results. The Peace and Security Council at its 53<sup>rd</sup> meeting on 31 May 2006, requested Member States that have not yet done so to urgently sign and ratify the Treaty so that it can enter into force during its tenth year of its opening for signature. The PSC further requested the Chairperson of the Commission to take all necessary steps, including through the appointment of a Special Envoy to speed up the entry into force of the Treaty and the signing and ratification by all those concerned of the three Protocols appended to the Treaty.

The Commission also proposes that the Council and/or Assembly should give it the mandate to produce a framework paper on the kind of sanctions that can be applied to encourage or induce Member States to ratify and accede to this and similar treaties for consideration at the next Summit of January 2007.

As the report clearly shows, efforts were made by the Commission to implement the decisions taken by the Assembly with respect to the issues brought to its attention by Member States. However, it was handicapped by lack of funds since the decisions were taken after the 2006 budget had been approved. The Commission made efforts to raise extra-budgetary funds through which some of the decisions could be implemented. While it will continue its efforts to raise additional funds and to implement the outstanding decisions, the Commission requests that every decision which requires finance for its implementation should be accompanied by the requisite financial provision. This will ensure that all assembly Decisions are implemented with speed by the Commission.

2006

# Report on the implementation of decisions on previous items proposed by member states to the Assembly

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